

REMARKS/ARGUMENTS

Claims 1-37 are pending in this application, with claims 1, 9, and 12 being the only independent claims. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Amendments

Independent claim 1 is amended to recite “a server node operatively connectable to user interfaces for receiving requests for media space from buyers and offers for media space from sellers”, “said requests including expected audience characteristics specified by the buyers and said offers comprising guaranteed audience characteristics specified by the sellers”, and “said server node comprising a set of rules including a deal execution requirement for automatically matching the requests and offers stored in the database based on parameters specified in the requests and offers including the expected and guaranteed audience characteristics”.

Independent claims 9 and 12 are similarly amended.

Support for these amendments is found at page 8, lines 16-21 in the specification as originally filed.

Claims 35-37 are amended to address the objections made by the Examiner to these claims.

Objection to the Claims

Claims 35-37 are objected to for lack of antecedent basis. These claims are amended in accordance with the Examiner’s suggestion. Accordingly, the objection to the claims should now be withdrawn.

Rejection of Claims under 35 U.S.C. §103

Claims 1-37 stand rejected under 35 U.S.C. §103 as unpatentable over U.S. Patent No. 6,324,519 (Eldering) in view of U.S. Patent No. 4,903,201 (Wagner) and Official Notice.

Before discussing the cited prior art and the Examiner's rejections of the claims in view of that art, a brief description of the subject matter described in the present application is deemed appropriate to facilitate understanding of the following arguments for patentability. The description is not meant to argue unclaimed subject matter.

The present invention relates to an online trading system for trading media space. One of the objects of the present invention is to provide an exchange which allows buyers and sellers to buy and sell media space in accordance with user defined criteria (see page 4, lines 8-10 of the specification as originally filed). One of the problems noted by the inventors of the present invention is that the metrics used by traders to determine value are of questionable statistical significance and can be a subject of dispute (see page 3, lines 16-18).

To overcome the problems of the prior art, the present invention includes a server 16 that receives bids and asks (requests and offers) submitted by buyers and sellers, respectively. The bids and asks include expected or guaranteed audience characteristics specified by the buyer or seller (see page 8, lines 17 and 19). This simplifies matching of buyers and sellers because it obviates the need to rely on metrics to determine the value of the media space.

In contrast to the present invention, Eldering does not require a seller to specify a guaranteed audience characteristic because Eldering determines a consumer profile of an offer based on metrics stored in a consumer profiler 140. Eldering discloses an advertisement auction system wherein a content/opportunity provider 160 (i.e. a seller) may auction to one or more advertisers 144 (i.e. buyers) certain advertising space/opportunities. In particular,

content/opportunity provider 160 transmits an announce opportunity message to one or more advertisers 144 (see col. 9, lines 50-52 of Eldering). Advertiser 144 then transmits an ad characterization to either the content/opportunity provider 160 or the profiler 140 (col. 10, lines 1-3). Profiler 140 maintains a consumer profile server 130 which contains a characterization of the consumer 100 (col. 4, line 11 - Col. 5, line 38). In one embodiment, the resulting profile data concerning the consumers are transmitted to content/opportunity provider 160 (col. 10, lines 21-23).

Eldering's consumer profiler 140 performs a correlation operation and outputs a correlation result to either the seller or buyer so as to provide a basis for calculating, for example, a bid that the seller is willing to accept or one that the buyer is willing to offer (col. 10, lines 29-41). That is, the profiler merely provides metric information to one of the seller or buyer. Thus Eldering teaches a system and method that is fundamentally different from that of the present invention. Since Eldering uses the profiler 140 to determine a consumer profile metrics for a specific offer, Eldering fails to teach or suggest that an offer of a seller must specify a guaranteed audience characteristic. Therefore, Eldering fails to teach or suggest "said requests including expected audience characteristics specified by the buyer and said offers comprising guaranteed audience characteristics specified by the seller", as expressly recited in independent claim 1.

Wagner fails to teach or suggest what Eldering lacks. Wagner discloses an automated futures trading exchange for trading commodities. The fact that Wagner is a trading exchange is the only thing in common with the present invention and with Eldering. Wagner teaches nothing specific to trading media space because media space for advertising is not a commodity. Accordingly, the combined teachings of Eldering and Wagner fail to teach or suggest "said requests including expected audience characteristics specified by the buyer and

said offers comprising guaranteed audience characteristics specified by the seller”, as now expressly recited in independent claim 1.

In view of the above, independent claim 1 is allowable over the prior art of record.

Independent claims 9 and 12 include similar limitations to independent claim 1 and should be allowable for the same reasons.

Dependent claims 2-8, 10-11, and 13-37 are allowable for the same reasons as are independent claims 1, 9, and 12, as well as for the additional recitations contained therein.

In view of the above amendments and remarks, the application is now deemed to be in condition for allowance and notice to the effect is solicited.

Respectfully submitted,
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